

I, Sara Baldwin, provide this declaration in support of the Motion for Summary Judgment filed by Defendants. I declare and state as follows:

4. The Parks are open from dawn to dusk except where there are lighted facilities like athletic fields and courts and community buildings located on park property. It is illegal and

considered trespassing to enter the Parks when they are closed. There are signs at points of entry to the Parks to notify visitors when the Parks are open.

5. Each year, the Parks receive between 12 and 16 million visitors. Visitors to the Parks include individuals of all ages but most FCPA programming is geared towards families and children. Of the approximately 16 million visitors to the Parks in FY 2023, about one quarter were children.

6. The Parks range in size from one-tenth of an acre at Farrington Park to Huntley Meadows Park's 1,558 acres. But even some of the smaller parks are heavily visited. For example, Clemyjontri Park is a small park of just 18 acres, but its attractive playground structures and picnic shelter have made it a regional destination for families of all ages, and notably for children with special needs. It had 111,715 visitors in FY 2023. Tiny Farrington Park is a playground designed for children aged 2-12 years.

7. The FCPA also offers several popular amusements within the Parks. Thousands of children and families enjoy minigolf and carousel and train rides at several parks. Here are statistics of utilization of these amusements at the Parks for the last three fiscal years:

| | FY21 | | | FY22 | | | FY23 | | |
|---------------|----------|--------|-----------|----------|--------|-----------|----------|--------|-----------|
| | Carousel | Train | Mini Golf | Carousel | Train | Mini Golf | Carousel | Train | Mini Golf |
| Burke Lake | 17,971 | 46,040 | 13,193 | 13,967 | 44,036 | 14,086 | 15,607 | 32,844 | 12,578 |
| Clemyjontri | 33,737 | | | 37,559 | | | 27,823 | | |
| Franconia | 19,153 | | | 16,001 | | | 10,807 | | |
| Frying Pan | 27,412 | | | 20,236 | | | 18,826 | | |
| Jefferson | | | 6,239 | | | 16,370 | | | 13,214 |
| Lake Accotink | 5,083 | | 4,881 | 3,968 | | 4,064 | 1,150 | | 3,032 |
| Oakmont | | | 16,533 | | | 15,000 | | | 11,826 |

8. The FCPA offer extensive programming which is listed in a quarterly magazine called Parktakes. Parktakes is published for all to see at <https://www.fairfaxcounty.gov/parks/parktakes>. The most recent version is dated Summer 2024.

9. The purpose of Parktakes is to inform the public about the FCPA's amenities, programs and events. All 420 parks may be found on the park amenity locator including recreational centers, major, local and resource parks, nature centers, historic sites, golf courses and major trails (walking, biking and equestrian) that run through the County. The locator can be seen on the County's website: <https://www.fairfaxcounty.gov/parks/locator>.

10. Within each Parktakes magazine, one can find extensive programming which is listed alphabetically starting with Adapted Recreation Services and concluding with Xtras and everything in between including: Aquatics, Camps, Children's Corner, Dance, Exercise and Physical Fitness, Fine Arts and Crafts, Golf, Nature, Science and Technology and Scout Activities, to name several. Thousands of programs and activities are offered throughout the year.

11. The vast majority of registered events at the Parks are focused on youth programming.¹ The number of youths who participated in those registered events in Fiscal Year ("FY")² 2023 totaled 83,804 (and in FY 2022 totaled over 100,000). Adult participation in registered events totaled over 44,000 in FY 2023.

12. In FY 2023, summer camp registrations were particularly strong with over 43,000 registrations for 1,372 camps at dozens of locations. Youths make up the large majority of participants in the FCPA's summer camp program.

13. But the programs and activities referenced in Parktakes represent a fraction of the activity within the Parks since this programming is limited to *registered* programs (where people must register in advance to participate). The FCPA also issues park permits for use of athletic

¹ Youth programming is defined as programming for those under the age of eighteen.

² The FCPA fiscal year runs from July 1 to June 31.

fields, trails and some picnic areas. Permitted park activities are not reflected among the numerous registered programs found in Parktakes.

14. A permit is required where 25 or more people want to use trails located within the Parks (such as for an organized run or trail visit). A permit is also required where groups of 75 or more use locations and facilities on PCPA property for a “public gathering,” such as a demonstration, picketing, speech-making, vigils, parades, ceremonies, meetings, rallies, entertainment, games, shows, concerts, and all other forms of public assembly.

15. Organized use of athletic fields, picnic shelters and areas, and amphitheaters, requires permitting. There are over 100 picnic shelters and about 230 athletic fields in the FCPA.

16. Permitted events are varied and include, for example, Earth Day in April, which usually has between 5,000 and 8,000 people in attendance. Another example is the 4-H Fair at Frying Pan Park, which hosts over 10,000 people annually. Other permitted events at FCPA include youth instructional and educational events, youth and adult sports, church services and related gatherings, family reunions, holiday-themed special events (such as breakfast with Santa, holiday lights on the farm, Juneteenth celebrations), fundraising events, preschool performances, Senior Olympics, 5 & 10K races, mountain bike races, July 4 celebrations, PTO/PTA celebrations, protests, and election-related activities.

17. One may also obtain a camping permit at Burke Lake Park and at Lake Fairfax where the numbers justify the request. The FCPA accepts over 200,000 camping reservations each year.

18. Scouts also obtain permits at FCPA for their programming. There were 566 permits issued to various Scout troops with over 5,800 scouts in attendance in FY 2023. Scout

activities often occur in some of the larger parks like Burke Lake and Lake Fairfax or more wooded parks like Riverbend. Activities include camping, hiking, volunteerism and badge acquisition.

19. School field trips also require permitting through the FCPA. In FY 2023 alone, over 47,000 students participated in 830 school field trips at the Parks. The field trips are centered around typical youth activities such as hiking, historic tours, visiting nature centers and exploring nature.

20. Fairfax County Public Schools and private schools use the Parks for youth activities through the permitting process for softball and baseball fields, rectangular fields, trails, tennis courts and golf courses. For example, the high schools utilize the golf courses for their regular and post-season competition.

21. In addition to permitted events, the FCPA offers several special events. Each year the FCPA offers a Summer Entertainment Series. In the summer of 2022 alone, for example, the FCPA offered 184 shows at 17 locations including five children's performances, a drive-in movie series, an international cultural heritage series and a global music and dance series.

22. The FCPA also runs three preschools on its property: one each at Spring Hill and Franconia Rec Centers and one at Riverbend Park. In addition, a third-party runs a preschool program at Frying Pan Park. Also, the FCPA offers drop-in daycare at the Oakmont and Cub Run Rec Centers.

23. Beyond registered programs and permitted activities, thousands of people just walk or drive in and use parks for a wide range of activities such as playing sports, sunbathing, picnicking, birdwatching, jogging, hiking, etc.

24. The FCPA tracks visitor data. Exhibit 3 shows data reflecting the number of people who participated in various registered events. The data show that only a small fraction of the visitors come to the Parks for registered programs and permitted activities.

25. FCPA trails are particularly popular. There are over 350 miles of trails at the Parks. The FCPA labels parks without amenities like a rec center or athletic fields as “resource-based parks.” As one example of a resource-based park, over 70,000 people visited Riverbend Park in FY 2023. As noted above, Riverbend Park is also the site of a preschool.

26. The FCPA has a new strategy called Parks, Recreation, Open Space, and Access (“PROSA”). The PROSA Strategy provides a countywide roadmap to improve park access, provide a better balance of recreational experiences, bolster habitat connectivity, and prioritize recreation needs and projects with an equity lens to meet the diverse needs of Fairfax County residents.

27. The first strategy of PROSA is to improve 10-minute walk access for County residents to the Parks. Having a park within a 10-minute (½ mile) walk from home encourages greater physical activity. Walkable park access is an important factor in measuring how parks are serving the community. Roughly 48% of Fairfax County residents do not have 10-minute walk access to the Parks.

28. The PROSA Strategy not only looks at access to parks, but it also examines experiences in the Parks. Complete park access, the second component of the PROSA Strategy, looks at the types of activities within parks to provide a balance of recreational experiences within a community. To achieve this balance countywide, all residents should have access to active, passive/contemplative, social, and natural/cultural recreational experiences within a 10-minute walk or 5-minute drive from their home.

29. The third PROSA Strategy, habitat connectivity, focuses on preserving and enhancing our natural heritage for the present and future. This component of the PROSA Strategy assesses tree canopy and habitat quality at parks.

30. The FCPA operates parks in Fairfax County for the benefit of the community. The FCPA has an annual budget of over \$83 million for FY 2024. The FCPA expects to generate over \$50 million in revenue towards its budget from its various programs and offerings. This represents about 60% of all revenue necessary to operate the FCPA each year (with taxpayer revenue accounting for the remainder). It is noteworthy that FCPA's cost recovery far exceeds that which is typical for public parks: FCPA cost recovery is over twice the national average of 25%.

31. The FCPA programs and offerings that contribute the most revenue include recreation centers and eight golf courses. In FY 2023, recreation centers and golf courses generated over \$27 million and over \$16 million in revenue, respectively. The FCPA competes with the private sector for consumer utilization of similar recreation offerings.

The Ordinance

32. In September of 2020, the Board of Supervisors enacted Fairfax County Code section 6-2-1 (the "Ordinance"). I worked with FCPA staff to implement the necessary changes to park rules and policies. The FCPA participated with the County on information releases, including this one: <https://www.fairfaxcounty.gov/news/board-votes-prohibit-weapons-county-buildings-parks-special-events>. The General Park Rules, which are available at <https://www.fairfaxcounty.gov/parks/rules/general>, show that firearms are prohibited.

33. The FCPA posted signs at all of the Parks. Exhibit 4 is a photograph of the signs that are posted in the Parks and on the doors of all Parks facilities.

34. The FCPA has about 500 full time employees and, during our peak season, another 2,000 seasonal non-merited employees.

35. Beginning in September 2020, the FCPA made a substantial effort to educate its employees about the Ordinance. Exhibit 5 is a memorandum issued at that time to all employees of the FCPA ("Memorandum"). In addition, and also in September 2020, we held a town hall meeting of employees to further emphasize the policies and procedures outlined in the Memorandum.

36. The FCPA reviews with and makes available to new employees its policies and procedures (including the Memorandum) during the onboarding process.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 25, 2024.


SARA BALDWIN